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Date: March 23, 2004

To: Commissioner for Patents, c/o Examiner Murphy (A.U. 1646)  
Of: United States Patent and Trademark Office  
Fax No.: 703-872-9306

From: Linda S. Evans

Total Pages (including this page): 3

Re: Patent Application No. 10/036,648, filed 12/21/2001  
Applicant: Thurmond et al.  
Attorney Docket No: ORT-1555

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Certificate of transmission:

The undersigned certifies that the accompanying Response To Restriction Requirement is being transmitted to the above-referenced fax number on the above-identified date.



Linda S. Evans (Reg. No. 33,873)

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Thurmond et al. Atty. Docket: ORT-1555  
Serial No.: 10/036,648 Art Unit: 1646  
Filed: 21 December 2001 Examiner: Joseph F. Murphy  
For: Use of Histamine H4 Receptor Antagonist for the Treatment of  
Inflammatory Responses

Mail Stop Non-Fee Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Office Action mailed February 24, 2004, Applicant submits the following response. In the event any fees are required for the filing of this response, including in connection with any necessary extension of time (for which Applicant hereby petitions), please charge such fees to Deposit Account No. 10-0750.

The Office Action sets forth a restriction requirement among the following groups of invention: (I) claims 1-4, 12-15, and 23-26, drawn to methods of identifying compounds that modulate H4 receptor activity; (II) claims 5-8, 16-19, and 27-30, drawn to compounds that modulate H4 receptor activity; (III) claims 9, 20, and 31, drawn to methods of treatment with compounds that modulate H4 receptor activity; and (IV) claims 10, 11, 21, 22, 32, and 33, drawn to antibodies that modulate H4 receptor activity.


Applicant hereby elects, without prejudice or disclaimer, Group I—method claims 1-4, 12-15, and 23-26. This election is without traverse insofar as the cited groups of claims are directed to patentably distinct inventions.

In view of the foregoing, Applicant requests prompt examination on the merits of the elected claims.

Applicant also notes that a related U.S. application is pending, namely, Serial No. 10/307,874, filed December 2, 2002. Applicant reserves the right to pursue non-elected claims in such counterpart application.

Respectfully submitted,

Date: March 23, 2004

  
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